

the entrant of one of said permutations, as evidenced by said unique game record identifier;

providing the entrant with access to said permutation assigned to the entrant;

determining the winning combination following the event or group of events on which the game of chance is based;

wherein the number of entrants in said game of chance is limited to the number of each said permutation; and

paying said predetermined payout sum to the entrant holding the winning permutation.

### 3. Remarks

***Amendments to the Specification.*** A new paragraph has been inserted between Paragraph 22 and Paragraph 23 of the pending application. The new paragraph makes explicit that which is implicit and does not add new matter.

***Pending Claims.*** Claims 1-17 are currently pending in the application. Claim 17 (new) has been added by this amendment.

***Rejection of Claims 1-16 under § 102(b).*** On Page 2 of the Detailed Action, the examiner quotes 35 U.S.C. § 102(b) (the basis for all rejections) and states as follows:

Claims 1-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sarno US Patent 6,024,641. Sarno discloses a lottery system that uses various numbers from various numbers to determine which ticket is the winning ticket over time. Column 2 discloses the reliable way of collecting winning lottery numbers including receiving requests over the internet and printing tickets if using a kiosk and the use of an identification number associated with the ticket. Column 12:23-39 discloses that a way to generate lottery numbers using the results of sporting contests or any

combination thereof.  
[Quoted portion of Sarno omitted.]

Applicants respectfully traverse. In claim 1, from which all subsequent claims depend, the sixth element is “creating a game record for each said permutation.” Inherent in the “creating a game record” step is the limitation of the number of game records to the number of permutations. The Sarno ‘641 patent teaches the opposite. At 5:22-29, Sarno states as follows:

With reference to FIG. 2, players who are desirous of participating in a particular game, establish a connection on a wide area computer network 16 between a user computer 14 and a gaming server 12. ***In preferred embodiments, a relatively unlimited number of players can play at any given time and for any given game. Indeed, in preferred embodiments, global participation in any game is possible.*** [Emphasis added.]

Applicants’ game of chance restricts the number of entrants to the number of permutations. Whereas Sarno discloses a game in which a relatively unlimited number of players can play at any given time and for any given game, applicants’ claim 1 is to a game in which a strictly limited number of players can play. For the reasons stated herein, Applicants respectfully request that the rejection of Claim 1 be withdrawn.

***Rejection of Claim 1 under § 102(b).*** On Page 3 of the Detailed Action, the Examiner continued as follows:

With respect to the claim limitations of claim 1 the subject of the game of chance can be anything as disclosed in Sarno. Lets just for arguments sake say that the subject is football and the measured performance criteria is the ending score for each game. The number of participants for the game is faxed at the number of teams playing. The number of participants  $r=1$  for the combined performance. Determining each permutation of participants will be the score for each team as well as a ticket for each team. Each game record gets a unique identifier as described above. As in all lotteries a sum is to be paid out if a [sic] entrant which has paid to have a ticket has a winning ticket.

Applicants respectfully traverse for the reasons set forth above.

**Rejection of Claim 2 under § 102(b).** On Page 3 of the Detailed Action, the Examiner continued as follows:

With respect to claim 2 and the paper ticket with the game record number please see above.

Applicants respectfully traverse. Claim 2 depends from Claim 1, which applicants believe is an allowable claim for the reasons set forth above. When Claim 1 is allowed, Claim 2 will also be allowable.

**Rejection of Claim 4 under § 102(b).** On Page 3 of the Detailed Action, the Examiner further stated:

With respect to claim 4 please see figure 3a item numbers 42, 46, and 47 and the relative part of the specification 6:30-40 which shows what information is printed on the ticket.

Applicants respectfully traverse for the reasons set forth above. Claim 4 depends from Claim 2, which depends from Claim 1. When Claim 1 is allowed, Claim 4 will also be allowable.

**Rejection of claims 5, 7, 10, and 11 under § 102(b).** On Page 3 of the Detailed Action, the Examiner further stated:

With respect to claims 5, 7, 10 and 11 please see Column 12:23-39 where "...any combination of numbers and/or characters can be predefined to comprise the winning combination and is not dependent upon anything that is controlled by the game provider."

Applicants respectfully traverse for the reasons set forth above. Claim 5 depends from Claim 1, and Claim 7 depends from Claim 5. When Claim 1 is allowed, Claim 5 and Claim 7 will also be allowable. Similarly, Claim 10 depends from Claim 9, which depends from

Claim 1. When Claim 1 is allowed, Claim 9 and Claim 10 will also be allowable. Claim 11 depends from Claim 1. When Claim 1 is allowed, Claim 11 will be allowable.

***Rejection of Claims 6 and 9 under § 102(b).*** On Page 3 of the Detailed Action, the Examiner further stated:

**With respect to claims 6 and 9 please see above with regards to sporting contests.**

Applicants respectfully traverse for the reasons set forth above. Both Claim 6 and Claim 9 depend from Claim 1. When Claim 1 is allowed, Claim 6 and Claim 9 will also be allowable.

***Rejection of Claim 8 under § 102(b).*** On Page 3 of the Detailed Action, the Examiner further stated:

**With respect to claim 8 where the method is claimed to be used on a [sic] internet website using a database please see figures 1-6 and columns 1-6 which discloses game play over the internet.**

Applicants respectfully traverse for the reasons set forth above. Claim 8 depends from Claim 1. When Claim 1 is allowed, Claim 8 will also be allowable.

***Rejection of Claims 12-15 under § 102(b).*** On Page 3 of the Detailed Action, the Examiner further stated:

**With respect to claims 12-15 see column 15.**

Applicants respectfully traverse for the reasons set forth above. Claim 12 depends from Claim 1, and Claim 13 depends from Claim 12. When Claim 1 is allowed, Claim 12 and Claim 13 will also be allowable. Claim 14 depends from Claim 8, which depends from Claim 1. When Claim 1 is allowed, Claim 14 will also be allowable. Claim 15 depends from Claim 13, Claim 13 depends from Claim 12, and Claim 12 depends from Claim 1.

When Claim 1 is allowed, Claim 15 will also be allowable.

**Rejection of Claim 16 under § 102(b).** On Page 3 of the Detailed Action, the Examiner further stated:

With respect to claim 16 see 12:57 – 13:3.

Applicants respectfully traverse for the reasons set forth above. Claim 16 depends from Claim 1. When Claim 1 is allowed, Claim 16 will also be allowable.

**New Claim 17.** New claim 17 is like Claim 1 but includes, as an additional element, the following language:

**wherein the number of entrants in said game of chance is limited  
to the number of each said permutation;**

Applicants believe the additional limitation imposed by the new language, which makes the claim allowable over Sarno, is inherent in Claim 1 as originally filed. In the event the Examiner believes the additional element is necessary to distinguish applicants' claimed invention over Sarno, applicants will cancel claim 1 after final rejection and amend claims 2-16 to depend from new Claim 17.

**Citation of Pertinent Prior Art.** Applicants have reviewed the prior art made of record and not relied on. Applicants respectfully submit that neither Sarno, nor Sarno taken in combination with any of the prior art patents not relied upon, disclose or suggest applicants' invention.

**Complete Response.** This response is intended to be a complete response to the Office Action mailed November 16, 2005. Applicants respectfully request an early



allowance of all claims in the application.

**4. Documents enclosed.**

- A receipt verification post card is enclosed.

**5. No fee required.**

By the present amendment, applicants added a second independent claim, bringing the total number of claims to 17 and the total number of independent claims to 2. Thus no additional fee is required.

Respectfully submitted,

February 16, 2006  
Date

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**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this RESPONSE AND AMENDMENT and the documents referred to as enclosed therein are being deposited with the United States Postal Service as Express Mail Post Office to Addressee, Express Mail No. EV-762-615-309 on this 16<sup>th</sup> day of February, 2006, addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Feb. 16, 2006  
Date

James T. Robinson  
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Person Mailing Paper

RESPONSE AND AMENDMENT  
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U.S. APPLICATION NO. 10/767,504  
LAWSON ET AL., INVENTORS  
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